



2009 SENATE BILL 358

1 **AN ACT** *to repeal* 15.407 (4) and 459.23; *to renumber* 459.01 (1); *to renumber*
2 *and amend* 459.24 (3) (d), 459.24 (6) (b) and 459.28 (1); *to amend* 459.02 (2),
3 459.03 (1), 459.03 (2) (intro.), 459.03 (2) (b), 459.085, 459.10 (1) (g), 459.24 (1)
4 (b), 459.24 (1m), 459.24 (3) (e), 459.24 (3) (f), 459.24 (3m) (a), 459.24 (6) (c),
5 459.26 (2) (a), 459.26 (2) (b) 4. and 459.34 (2) (d); and *to create* 459.01 (1d),
6 459.10 (1) (q) and (r), 459.24 (3) (d) 2. and 3., 459.24 (6) (b) 2., 459.26 (2) (am),
7 459.28 (1) (b), 459.34 (2) (i), 459.34 (2) (j) and 459.34 (2) (k) of the statutes;
8 **relating to:** creating new grounds for discipline of hearing instrument
9 specialists, audiologists, and speech-language pathologists, changing
10 licensing requirements for audiologists, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 358**SECTION 1**

1 **SECTION 1.** 15.407 (4) of the statutes is repealed.

2 **SECTION 2.** 459.01 (1) of the statutes is renumbered 459.01 (1m).

3 **SECTION 3.** 459.01 (1d) of the statutes is created to read:

4 459.01 **(1d)** “Deceptive advertising” means creating, using, or promoting the
5 use of any advertising material, promotional literature, testimonial, guarantee,
6 warranty, label, brand, insignia, or other representation, however disseminated or
7 published, which is misleading, false, or untruthful.

8 **SECTION 4.** 459.02 (2) of the statutes is amended to read:

9 459.02 **(2)** Nothing in this subchapter or subch. II shall prohibit any
10 corporation or mercantile establishment which maintains an established business
11 address from engaging in the business of selling or offering for sale hearing aids at
12 retail without a license, provided that for the purpose of selling and fitting hearing
13 aids it employs persons licensed under this subchapter or persons issued licenses or
14 permits to practice audiology under subch. II. ~~Such corporation or mercantile~~
15 ~~establishment shall annually file with the examining board a list of all persons~~
16 ~~employed for the purpose of selling and fitting hearing aids.~~

17 **SECTION 5.** 459.03 (1) of the statutes is amended to read:

18 459.03 **(1)** ~~Whoever practices fitting or selling of hearing aids under this~~
19 ~~subchapter~~ A hearing instrument specialist who engages in the practice of fitting
20 and dealing in hearing aids shall deliver to each person supplied with a hearing aid
21 a receipt. The receipt shall contain the licensee’s signature and show the licensee’s
22 business address and license title and number of the hearing instrument specialist,
23 together with specifications as to the make and model of the hearing aid furnished
24 and full terms of sale clearly stated. If a hearing aid which is not new is sold, the

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1 receipt and the container thereof must be clearly marked as “used” or “reconditioned”
2 whichever is applicable.

3 **SECTION 6.** 459.03 (2) (intro.) of the statutes is amended to read:

4 459.03 **(2)** (intro.) The receipt shall contain all of the following information.
5 that shall be set out in not less than 8–point type:

6 **SECTION 7.** 459.03 (2) (b) of the statutes is amended to read:

7 459.03 **(2)** (b) A statement that the purchaser has been advised at the outset
8 of the purchaser’s relationship with by the hearing instrument specialist that any
9 examination or representation made by ~~–a–~~ the hearing instrument specialist in
10 connection with the fitting and selling of this hearing aid is not an examination,
11 diagnosis, or prescription by a person licensed to practice medicine in this state and
12 therefore must not be regarded as medical opinion or advice.

13 **SECTION 8.** 459.085 of the statutes is amended to read:

14 **459.085 Calibration of audiometric equipment.** Audiometric equipment
15 used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids
16 shall be calibrated periodically, as specified by rule by the examining board.
17 ~~Certification of these calibrations shall be sent to the examining board with the~~
18 ~~renewal fee required in s. 459.09 (1) (a).~~

19 **SECTION 9.** 459.10 (1) (g) of the statutes is amended to read:

20 459.10 **(1)** (g) Engaged in false, misleading or deceptive advertising.

21 **SECTION 10.** 459.10 (1) (q) and (r) of the statutes are created to read:

22 459.10 **(1)** (q) Intentionally or negligently misrepresented the cause of a
23 hearing impairment or the cure of a hearing impairment by the use of a hearing aid.

24 (r) Made an intentional or negligent misrepresentation regarding a hearing aid
25 or services.

SENATE BILL 358**SECTION 11**

1 **SECTION 11.** 459.23 of the statutes is repealed.

2 **SECTION 12.** 459.24 (1) (b) of the statutes is amended to read:

3 459.24 **(1)** (b) Engage in the practice of audiology or use the title “audiologist,”
4 “clinical audiologist,” or any similar title unless the person holds a current
5 audiologist license granted by the examining board under sub. (3) or (6) (b).

6 **SECTION 13.** 459.24 (1m) of the statutes is amended to read:

7 459.24 **(1m)** PROHIBITED TITLES. No person may use the title “certified hearing
8 aid audiologist” ~~or,~~ “certified hearing instrument audiologist,” “licensed hearing
9 instrument audiologist,” or “licensed hearing aid audiologist.”

10 **SECTION 14.** 459.24 (3) (d) of the statutes is renumbered 459.24 (3) (d) (intro.)
11 and amended to read:

12 459.24 **(3)** (d) (intro.) Submits evidence satisfactory to the examining board
13 that he or she has completed a supervised clinical practicum and received satisfied
14 one of the following:

15 1. Received a master’s degree in audiology from a college or university
16 approved by the examining board, or has completed education or training that the
17 examining board determines is substantially equivalent to the completion of those
18 requirements. This subdivision does not apply to applications received after
19 December 31, 2009.

20 **SECTION 15.** 459.24 (3) (d) 2. and 3. of the statutes are created to read:

21 459.24 **(3)** (d) 2. Submits evidence satisfactory to the examining board that he
22 or she possesses a doctoral degree in audiology from an accredited academic
23 institution approved by the examining board by rule. The doctoral degree program
24 must consist of not less than 3 years of educational course work and not less than 12

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1 months of clinical rotation or externship. This subdivision applies to applications
2 received after December 31, 2009.

3 3. Submits evidence satisfactory to the examining board that he or she has
4 completed education or training that the examining board determines is
5 substantially equivalent to the requirements under subd. 2. This subdivision applies
6 to applications received after December 31, 2009.

7 **SECTION 16.** 459.24 (3) (e) of the statutes is amended to read:

8 459.24 (3) (e) Submits evidence satisfactory to the examining board that he or
9 she has passed the examination required for certification as an audiologist by the
10 American Speech–Language–Hearing Association or passes an examination under
11 s. 459.26 (2) (a) to determine fitness as an audiologist, examinations selected or
12 approved by the examining board by rule under s. 459.26 (2) (am), or has completed
13 education or training that the examining board determines is substantially
14 equivalent to passing one of those examinations in determining fitness as an
15 audiologist the examinations selected or approved by the examining board under s.
16 459.26 (2) (am).

17 **SECTION 17.** 459.24 (3) (f) of the statutes is amended to read:

18 459.24 (3) (f) Submits evidence satisfactory to the examining board that he or
19 she has completed a postgraduate clinical fellowship in audiology approved by the
20 examining board or has completed education or training that the examining board
21 determines is substantially equivalent to the completion of such a fellowship. This
22 paragraph applies to applications received on or before December 31, 2009.

23 **SECTION 18.** 459.24 (3m) (a) of the statutes is amended to read:

24 459.24 (3m) (a) Deliver to each person supplied with a hearing aid a receipt.
25 The receipt shall contain the signature and show the business address and, license

SENATE BILL 358**SECTION 18**

1 or permit title, and number of the licensee or permittee, together with specifications
2 as to the make and model of the hearing aid and full terms of sale clearly stated. If
3 a hearing aid that is not new is sold, the receipt and the container must be clearly
4 marked as “used” or “reconditioned”, whichever is applicable. The terms of the
5 guarantee, if there is any given, shall be set out in not less than 8–point type.

6 **SECTION 19.** 459.24 (6) (b) of the statutes is renumbered 459.24 (6) (b) 1. and
7 amended to read:

8 459.24 **(6)** (b) 1. Upon application, the examining board may grant a temporary
9 license to practice audiology during the completion of the postgraduate fellowship
10 required under sub. (3) (f) if the applicant practices under the supervision of an
11 audiologist licensed under sub. (3), satisfies the requirements under sub. (3) (a) to
12 (d), and has submitted an application to take the next available examinations for
13 licensure as an audiologist under s. 459.26 (2) ~~(a) and (b)~~. No license may be issued
14 under this paragraph after December 31, 2009.

15 **SECTION 20.** 459.24 (6) (b) 2. of the statutes is created to read:

16 459.24 **(6)** (b) 2. The examining board may grant a temporary license to practice
17 audiology to an individual who satisfies the requirements under sub. (3) (a) to (e).

18 **SECTION 21.** 459.24 (6) (c) of the statutes is amended to read:

19 459.24 **(6)** (c) A temporary license granted under this subsection is valid for a
20 period designated in rules promulgated by the examining board. The rules may
21 designate a period that terminates if an applicant fails to take the next available
22 examination under s. 459.26 (2) (a) or (b) for reasons other than inaction by the
23 examining board or hardship. A temporary license granted under par. (a) may be
24 renewed once by the examining board. A temporary license granted under par. (b)
25 may be renewed once by the examining board if the applicant fails an examination

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1 for audiologist licensure under s. 459.26 (2) ~~(a) or (b)~~ and applies to take the next
2 available examination or if the applicant shows, to the satisfaction of the examining
3 board, sufficient cause for the renewal. An applicant for a temporary license shall
4 pay the fee specified in s. 440.05 (6).

5 **SECTION 22.** 459.26 (2) (a) of the statutes is amended to read:

6 459.26 **(2)** (a) Examinations for speech–language pathologists shall consist of
7 the examinations required for certification as a speech–language pathologist ~~or as~~
8 ~~an audiologist~~ by the American speech–language–hearing association or may consist
9 of other written tests that require applicants to demonstrate minimum competency
10 in services and subjects substantially related to the practice of speech–language
11 pathology ~~or audiology~~ and that are substantially equivalent to the examinations
12 required for such certification.

13 **SECTION 23.** 459.26 (2) (am) of the statutes is created to read:

14 459.26 **(2)** (am) The examining board shall by rule select and approve
15 examinations for audiology.

16 **SECTION 24.** 459.26 (2) (b) 4. of the statutes is amended to read:

17 459.26 **(2)** (b) 4. Recording and evaluation of audiograms and speech
18 audiometry to determine proper selection and ~~adaption~~ adaptation of a hearing aid.

19 **SECTION 25.** 459.28 (1) of the statutes is renumbered 459.28 (1) (intro.) and
20 amended to read:

21 459.28 **(1)** (intro.) Upon application and payment of the fee specified in s.
22 440.05 (2), the examining board shall ~~grant~~ do the following:

23 (a) Grant a license to practice speech–language pathology or audiology under
24 s. 459.24 (2) or (3) to an applicant who holds a current speech–language pathologist
25 or audiologist license in another state or territory of the United States if the

SENATE BILL 358**SECTION 25**

1 examining board determines that the requirements for licensure in the other state
2 or territory are substantially equivalent to the requirements under s. 459.24 (2) or
3 (3).

4 **SECTION 26.** 459.28 (1) (b) of the statutes is created to read:

5 459.28 (1) (b) Notwithstanding s. 459.24 (3) (d), grant a license to practice
6 audiology under s. 459.24 (3) to an applicant who holds a current audiologist license
7 in another state or territory of the United States if the examining board determines
8 all of the following:

9 1. The requirements for licensure in the other state or territory are
10 substantially equivalent to the requirements under s. 459.24 (3) (c), (e), and (em).

11 2. The applicant has submitted evidence satisfactory to the examining board
12 that he or she has completed a supervised clinical practicum and received a master's
13 degree in audiology from a college or university approved by the examining board,
14 or has completed education or training that the examining board determines is
15 substantially equivalent to the completion of those requirements.

16 **SECTION 27.** 459.34 (2) (d) of the statutes is amended to read:

17 459.34 (2) (d) Advertised Engaged in ~~a manner which is false, deceptive or~~
18 misleading advertising.

19 **SECTION 28.** 459.34 (2) (i) of the statutes is created to read:

20 459.34 (2) (i) Intentionally or negligently misrepresented the cause of a
21 hearing impairment or the cure of a hearing impairment by the use of a hearing aid.

22 **SECTION 29.** 459.34 (2) (j) of the statutes is created to read:

23 459.34 (2) (j) Made an intentional or negligent misrepresentation regarding a
24 hearing aid or services.

25 **SECTION 30.** 459.34 (2) (k) of the statutes is created to read:

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1 459.34 **(2)** (k) Misused the words “doctor,” “clinic,” “clinical,” or other words,
2 abbreviations, or symbols that imply the involvement of the medical or audiology
3 professions in the absence of such involvement.

4 SECTION 31. Effective date.

5 (1) This act takes effect on December 31, 2009, or on the day after publication,
6 whichever is later.

7 (END)